

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

GARRETT FREEMAN,	)	
	)	
Plaintiff,	)	Civil Action No. 17-1506
	)	Judge Peter J. Phipps
v.	)	Magistrate Judge Maureen P. Kelly
	)	
JOHN E. WETZEL, ERIC BUSH, STATE	)	
CORRECTIONAL INSTITUTION PINE	)	Re: ECF No. 18
GROVE, and CORRECTIONAL OFFICER	)	
JOHN BARTON,	)	
	)	
Defendant.	)	

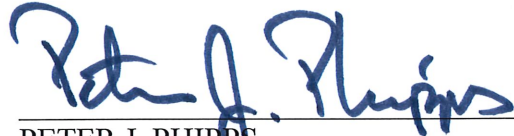
**ORDER OF COURT**

AND NOW, this 15<sup>th</sup> day of February, 2019, after Plaintiff Garrett Freeman ("Plaintiff") filed an action in the above-captioned case, and after a Motion to Dismiss Amended Complaint was filed by Defendants John E. Wetzel, Eric Bush and State Correctional Institution *doing business as* SCI-Pine Grove, ECF No. 18, and after a Report and Recommendation was filed thereupon by the United States Magistrate Judge, ECF No. 45, and no Objections having been filed thereto and upon independent review of the record and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that the Motion to Dismiss is GRANTED as to any separate claim under the Fourteenth Amendment in Count I and DENIED as to the Eighth Amendment

claim in Count I against Defendants Wetzel and Bush. IT IS FURTHER ORDERED that SCI-Pine Grove is terminated from the case.

BY THE COURT:



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PETER J. PHIPPS  
UNITED STATES DISTRICT JUDGE

cc: The Honorable Maureen P. Kelly  
United States Magistrate Judge

All counsel of record via CM/ECF